PREVAILED	Roll Call No
FAILED	Ayes
WITHDRAWN	Noes
RULED OUT OF ORDER	

HOUSE MOTION

MR. SPEAKER:

I move that House Bill 1003 be amended to read as follows:

1	Page 16, between lines 9 and 10, begin a new paragraph and insert:
2	"SECTION 21. IC 4-22-2-37.1, AS AMENDED BY P.L.1-2004,
3	SECTION 1, AND AS AMENDED BY P.L.23-2004, SECTION 1, IS
4	CORRECTED AND AMENDED TO READ AS FOLLOWS
5	[EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies
6	to a rulemaking action resulting in any of the following rules:
7	(1) An order adopted by the commissioner of the Indiana
8	department of transportation under IC 9-20-1-3(d) or
9	IC 9-21-4-7(a) and designated by the commissioner as an
10	emergency rule.
11	(2) An action taken by the director of the department of natural
12	resources under IC 14-22-2-6(d) or IC 14-22-6-13.
13	(3) An emergency temporary standard adopted by the
14	occupational safety standards commission under IC 22-8-1.1-16.1.
15	(4) An emergency rule adopted by the solid waste management
16	board under IC 13-22-2-3 and classifying a waste as hazardous.
17	(5) A rule, other than a rule described in subdivision (6), adopted
18	by the department of financial institutions under IC 24-4.5-6-107
19	and declared necessary to meet an emergency.
20	(6) A rule required under IC 24-4.5-1-106 that is adopted by the
21	department of financial institutions and declared necessary to meet
22	an emergency under IC 24-4.5-6-107.
23	(7) A rule adopted by the Indiana utility regulatory commission to
24	address an emergency under IC 8-1-2-113.
25	(8) An emergency rule jointly adopted by the water pollution

1	control board and the budget agency under IC 13-18-13-18.
2	(9) An emergency rule adopted by the state lottery commission
3	under IC 4-30-3-9.
4	(10) A rule adopted under IC 16-19-3-5 that the executive board
5	of the state department of health declares is necessary to meet an
	1
6	emergency.
7	(11) An emergency rule adopted by the Indiana transportation
8	finance authority under IC 8-21-12.
9	(12) An emergency rule adopted by the insurance commissioner
10	under IC 27-1-23-7.
11	(13) An emergency rule adopted by the Indiana horse racing
12	commission under IC 4-31-3-9.
13	(14) An emergency rule adopted by the air pollution control
14	board, the solid waste management board, or the water pollution
15	control board under IC 13-15-4-10(4) or to comply with a
	. , , , , , , , , , , , , , , , , , , ,
16	deadline required by federal law, provided:
17	(A) the variance procedures are included in the rules; and
18	(B) permits or licenses granted during the period the
19	emergency rule is in effect are reviewed after the emergency
20	rule expires.
21	(15) An emergency rule adopted by the Indiana election
22	commission under IC 3-6-4.1-14.
23	(16) An emergency rule adopted by the department of natural
24	resources under IC 14-10-2-5.
25	(17) An emergency rule adopted by the Indiana gaming
26	commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.
27	(18) An emergency rule adopted by the alcohol and tobacco
28	commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
29	IC 7.1-3-20-24.4.
30	(19) An emergency rule adopted by the department of financial
31	institutions under IC 28-15-11.
32	(20) An emergency rule adopted by the office of the secretary of
33	family and social services under IC 12-8-1-12.
34	(21) An emergency rule adopted by the office of the children's
35	health insurance program under IC 12-17.6-2-11.
36	(22) An emergency rule adopted by the office of Medicaid policy
37	and planning under IC 12-15-41-15.
38	(23) An emergency rule adopted by the Indiana state board of
39	animal health under IC 15-2.1-18-21.
40	(24) An emergency rule adopted by the board of directors of the
41	Indiana education savings authority under IC 21-9-4-7.
42	(25) An emergency rule adopted by the Indiana board of tax
43	review under IC 6-1.1-4-34.
44	(26) An emergency rule adopted by the department of local
45	government finance under IC 6-1.1-4-33.
46	(27) An emergency rule adopted by the boiler and pressure vessel
47	rules board under IC 22-13-2-8(c).

(28) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) or IC 6-1.1-22.5-20.

(29) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

- (b) The following do not apply to rules described in subsection (a):
 - (1) Sections 24 through 36 of this chapter.
 - (2) IC 13-14-9.

- (c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.
- (d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.
 - (e) Subject to section 39 of this chapter, the secretary of state shall:
 - (1) accept the rule for filing; and
 - (2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.
- (f) A rule described in subsection (a) takes effect on the latest of the following dates:
 - (1) The effective date of the statute delegating authority to the agency to adopt the rule.
 - (2) The date and time that the rule is accepted for filing under subsection (e).
 - (3) The effective date stated by the adopting agency in the rule.
 - (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.
- (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsection subsections (j) and (k), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(14), (a)(25), (a)(26), or (a)(28), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(29) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(14) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(25), (a)(26), or (a)(28) may be extended for an

1	unlimited number of extension periods. Except for a rule adopted under
2	subsection (a)(14), for a rule adopted under this section to be effective
3	after one (1) extension period, the rule must be adopted under:
4	(1) sections 24 through 36 of this chapter; or
5	(2) IC 13-14-9;
6	as applicable.
7	(h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires
8	on the earlier of the following dates:
9	(1) The expiration date stated by the adopting agency in the rule.
10	(2) The date that the rule is amended or repealed by a later rule
11	adopted under sections 24 through 36 of this chapter or this
12	section.
13	(i) This section may not be used to readopt a rule under IC 4-22-2.5.
14	(j) A rule described in subsection (a)(25) or (a)(26) expires not later
15	than January 1, 2006.
16	(k) A rule described in subsection (a)(29) expires on the
17	expiration date stated by the board of the Indiana economic
18	development corporation in the rule.".
19	Page 37, line 5, delete "2(2)" and insert "2(a)(2)".
20	Page 38, line 4, after "ethics commission." delete "commission.".
21	Page 38, line 17, after "IC 4-22-2." insert "However, the board
22	may adopt emergency rules under IC 4-22-2-37.1 to carry out its
23	duties under this article.".
24	Renumber all SECTIONS consecutively.
	(Reference is to HB 1003 as printed January 7, 2005.)
	Representative Borror